

ONE HUNDRED SEVENTEENTH CONGRESS

**Congress of the United States**

**House of Representatives**

COMMITTEE ON THE JUDICIARY

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February 17, 2022

The Honorable Matthew G. Olsen  
Assistant Attorney General  
National Security Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Assistant Attorney General Olsen:

We write to request information about the newly-formed domestic terrorism office within the Counterterrorism Section (CTS) of the Justice Department's National Security Division (NSD). The creation of a new domestic terrorism office has reportedly raised serious concerns from "longtime dedicated career lawyers" at the Department that it is unnecessary and potentially harmful.<sup>1</sup> Especially in light of the Justice Department's recent misuse of its counterterrorism resources to target concerned parents at school board meetings—concerns that the Attorney General has refused to acknowledge or address—the Committee must fully assess the Department's creation of a new office that could be misused to target American citizens.

Career Department employees have voiced concern over the creation of a new domestic terrorism office within NSD.<sup>2</sup> On January 19, 2021, the Department provided feedback about potential legislation in the Senate that would create a new Department unit to address domestic terrorism.<sup>3</sup> In this document, the career Department attorneys warned that it "is unnecessary and potentially harmful to establish a dedicated domestic terrorism office in CTS."<sup>4</sup> The career attorneys also warned that "[a]rtificially splitting CTS into separate domestic and international terrorism offices would weaken the broad expertise currently housed in CTS, reduce synergy in our counterterrorism efforts, and deny our attorneys the benefits of cross-pollination."<sup>5</sup>

The Department must combat legitimate threats of terrorism while respecting American civil liberties and ensuring fair and impartial justice. Under the Biden Administration, however, the Department and the White House have used the heavy hand of federal law enforcement—

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<sup>1</sup> Betsy Woodruff Swan, *Memo reveals DOJ pushback on domestic terrorism bill*, POLITICO (Apr. 7, 2021).

<sup>2</sup> *Id.*; Informal, Not-Officially Cleared Comments of the Department of Justice on H.R. 5602, the "Domestic Terrorism Prevention Act of 2020."

<sup>3</sup> Informal, Not-Officially Cleared Comments of the Department of Justice on H.R. 5602, the "Domestic Terrorism Prevention Act of 2020."

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

including counterterrorism resources—to target concerned parents at local school board meetings and chill their protected First Amendment activity. The Department’s documented misuse of existing counterterrorism resources to target American parents raises serious concerns that NSD could similarly misuse the new domestic terrorism office. In fact, just days ago, the Biden Administration asserted that “undermining public trust in U.S. government institutions” through so-called “mis- dis- and mal-information” can be a form of domestic terrorism.<sup>6</sup> It is not a stretch to imagine how the NSD’s new domestic terrorism office could abuse this definition to target Americans engaged in protected First Amendment activities.

To advance the Committee’s oversight of the Department, we request that you produce the following documents and information:

1. All documents and communications referring or relating to the creation of the Department of Justice’s new domestic terrorism unit within the Counterterrorism Section of the National Security Division;
2. All documents and communications between or among officials or employees of the Executive Office of the President and the Department or National Security Division about the creation of the new domestic terrorism office within the Counterterrorism Section of the National Security Division;
3. An explanation as to why you decided to establish a new domestic terrorism office within the Counterterrorism Section of the National Security Division, in contravention of prior advice of career Department of Justice officials;
4. An explanation as to whether you or your staff consulted with the Department’s career lawyers in the Counterterrorism Section or elsewhere in the Department prior to the establishment of this new office. If so, provide all recommendations and advice, both formal and informal, that was made to the National Security Division about the newly-formed office;
5. An explanation whether the resources and personnel of this new domestic terrorism office is being used or will be used to target concerned parents at local school board meetings;
6. Quantify the number of personnel assigned to the newly-formed domestic terrorism office within the Counterterrorism Section of the National Security Division; and
7. Quantify the number of active domestic terrorism investigations, including by type of case, for the period of January 1, 2021, to the present.

Please provide this information as soon as possible but no later than March 3, 2022. After you have provided this information in writing, we ask that the Department provide a staff-level

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<sup>6</sup> U.S. Dep’t of Homeland Security, National Terrorism Advisory System Bulletin (Feb. 7, 2022).

briefing on this topic. To the extent a complete response requires the provision of classified information, please provide this information under separate cover.


The House Committee on the Judiciary has jurisdiction pursuant to Rule X of the Rules of the House of Representatives to conduct oversight of matters concerning “subversive activities affecting the internal security of the United States” as well as “criminal law enforcement and criminalization.”<sup>7</sup>

If you have any questions about this request, please ask your staff to contact Judiciary Committee staff at (202) 225-6906. Thank you for your prompt attention to this serious matter.

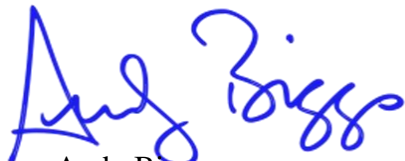
Sincerely,



Jim Jordan  
Ranking Member



Mike Johnson  
Ranking Member  
Subcommittee on the Constitution,  
Civil Rights and Civil Liberties



Andy Biggs  
Ranking Member  
Subcommittee on Crime, Terrorism,  
and Homeland Security

cc: The Honorable Jerrold L. Nadler, Chairman  
The Honorable Steve Cohen, Chairman, Subcommittee on the Constitution, Civil Rights  
and Civil Liberties  
The Honorable Sheila Jackson Lee, Chair, Subcommittee on Crime, Terrorism, and  
Homeland Security

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<sup>7</sup> Rules of the House of Representatives, R. X, 117th Cong. (2021).